

**REMARKS**

Claims 1-33 are pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

**Claims 1-16 and 19-33 over Pepe in view of O'Neal**

In the Office Action, claims 1-16 and 19-33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,742,668 to Pepe et al. ("Pepe") in view of U.S. Patent No. 6,243,444 to O'Neal ("O'Neal"). The Applicants respectfully traverse the rejection.

Claims 1-6 recite a method wherein in response to a telephone call and without going off-hook, a process server initiates a process whereby desired information is automatically provided to a recipient. Claims 7 and 8 recite a method of automatically providing an electronic mail message to a communications device after the communications device calls a first phone number without a called device going off-hook. Claims 15, 16 and 19-21 recite detecting a first communications device identifier when a first communications device is used to contact a system without the system going off-hook and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information. Claims 22-33 recite a system and method relying on a second device to automatically respond to a call without going off-hook and retrieving information, and a transmitter to transmit the information from the second device to a first device using a second telephone number.

The Office Action acknowledges that Pepe fails to disclose "a system without going off-hook transmitting information to a second device" (See Office Action, page 4). The Office Action relies on O'Neal to allegedly make up for the deficiencies in Pepe. The Applicants respectfully disagree.

O'Neal gives a caller an option to record a voicemail message that is transmitted to a recipient via a data-centric network instead of completing a long-distance call (Abstract). A long-distance call is locally intercepted, thereby giving a caller the opportunity to send a voicemail message rather than completing the long-distance call (See O'Neal, col. 10, lines 20-26)

By the Office Action own acknowledgement, O'Neal discloses intercepting and servicing long-distance calls prior to incurring charges at col. 5, lines 36-42, col. 10, lines 20-26 and col. 11, lines 54-65 (See Office Action, page 4). O'Neal gives a caller an option to record a voicemail instead of completing a long-distance call. However, conventionally, to leave a voicemail a voicemail system must go off-hook to record the voicemail. O'Neal fails to disclose a departure from a conventional voicemail system, i.e., fails to mention that the voicemail system performs any operation without going off-hook, much less providing information without going off-hook, as recited by claims 1-16 and 19-33.

Moreover, the Office Action alleges that given "the teaching of O'Neal, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Pepe et al by employing the method of intercepting and servicing long-distance calls prior to incurring charges of O'Neal" (See Office Action, page 5). However, Applicants are NOT claiming intercepting and servicing long-distance calls prior to incurring charges. Even if it would have been obvious to modify Pepe (as discussed below it is not) with interception and servicing of long-distance calls prior to incurring charges, the theoretical result would still NOT automatically responding to a call without going off-hook and automatically providing information without going off-hook, as recited by claims 1-16 and 19-33.

Moreover, Pepe is directed to a system and method of remotely controlling the receipt and delivery of wireless and wireline electronic text messages (See Abstract). O'Neal's system and method sending a voicemail from a caller to a recipient, saving toll charges. However, Pepe's uses a digital network to send text messages that NEVER relies on an analog phone line,

much less long-distance service that is based on hook operation. Thus, intercepting and servicing Pepe's digital network that NEVER goes off-hook in the first place is nonsensical.

A benefit of being able to retrieve information from an information source without going off-hook is, e.g., saving of toll minutes. Conventionally, an information source that is called by a party calling to retrieve information goes off-hook to sending information to the calling party. The conventional method of retrieving information requires that an active connection be established between the information source and the calling party. An active connection can be costly with a communication system that charges for each minute the connection remains active. Therefore, being able to access information from an information source without going off-hook saves toll charges. The cited prior art fails to disclose or suggest the claimed features of automatically responding without going off-hook and automatically providing information without going off-hook.

Accordingly, for at least all the above reasons, claims 1-16 and 19-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### Claims 17 and 18 over Pepe in view of O'Neal and Yeh

In the Office Action, claims 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Pepe in view of O'Neal, and further in view of U.S. Patent Publication No. 2004/0162747 to Yeh et al. ("Yeh"). The Applicants respectfully traverse the rejection.

Claims 17 and 18 are dependent on claim 15, and are allowable for at least the same reasons as claim 15.

Claims 17 and 18 recite detecting a first communications device identifier when a first communications device is used to contact a system without the system going off-hook and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information.

As discussed above, Pepe in view of O'Neal fails to disclose or suggest detecting a first communications device identifier when a first communications device is used to contact a system without the system going off-hook and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information, as recited by claims 17 and 18.

The Office Action acknowledges that Pepe in view of O'Neal fails to disclose designating a selected stock quotation to be transmitted to a first communication device (See Office Action, page 14). However, it is an automatic transmission of such information without the system going off-hook that is being claimed by claims 17 and 18. Yeh fails to mention anything occurs without the system going off-hook, much less disclose or suggest an automatic transmission of such information without the system going off-hook, as recited by claims 17 and 18.

Thus, even it were obvious to modify Pepe with the disclosure of O'Neal and Yeh, the theoretical result would be a conventional answering (going off-hook) of an incoming call to allow a caller to leave a voicemail message, the voicemail message being relayed to a designated recipient. Pepe in view of O'Neal and Yeh would fail to disclose or suggest a first communications device identifier when a first communications device is used to contact a system without the system going off-hook and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information, as recited by claims 17 and 18.

Accordingly, for at least all the above reasons, claims 17 and 18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman  
Reg. No.: 36,457  
Tel. (202) 261-1020  
Fax. (202) 887-0336

**MANELLI DENISON & SELTER PLLC**  
2000 M Street, NW 7<sup>TH</sup> Floor  
Washington, DC 20036-3307  
TEL. (202) 261-1020  
FAX. (202) 887-0336

WHB/df